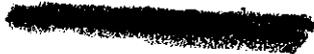




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 05882-09  
22 February 2010



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 February 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof; your naval record and applicable statutes, regulations and policies.

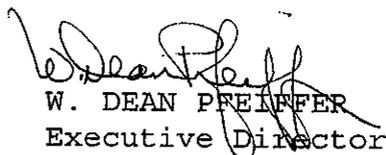
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 7 March 2001, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty due to chest pain syndrome that was rated at 10% disabling. You accepted those findings on 16 May 2001, and waived your right to a hearing before a panel of the PEB. You were discharged with entitlement to disability severance pay on 28 June 2001, in accordance with the approved findings of the PEB. Following your discharge, the Department of Veterans Affairs (VA) awarded you separate ratings of 10% for coronary artery disease, hypertension, a knee condition and a skin disorder, for a combined rating of 30%.

Your receipt of disability ratings from the VA for multiple conditions not rated by the Department of the Navy is not considered probative of the existence of error or injustice in your naval record, because the VA assigns disability ratings without regard to the issue of fitness for military duty. As you have not demonstrated that any of the additional conditions rated by the VA rendered you unfit to reasonably perform your military duties, and that you were entitled to a combined rating from the Department of the Navy of 30% or higher, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director